

SUBTITLE J PRODUCTION, DISTRIBUTION AND REPAIR (P) ZONES

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CHAPTER 1 INTRODUCTION TO PRODUCTION, DISTRIBUTION AND REPAIR (P) ZONES

100 GENERAL PROVISIONS

100.1 The P zones provide for the following:

- (a) Heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts; and
- (b) Areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of non-industrial uses that impede the full utilization of properly located industrial sites.

100.2 The provisions of the P zones are intended to:

- (a) Regulate the use of land and structures and the erection and modification of structures in areas characterized by production, distribution, and repair (PDR) uses, typically with heavy truck traffic and loading and unloading operations;
- (b) Encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities;
- (c) Allow compatible office and retail uses and development;
- (d) Minimize encroachment by uses that are incompatible with PDR uses, including residential uses, which could impair existing PDR activities;
- (e) Manage transitions between P-zoned areas and surrounding neighborhoods; and
- (f) Ensure the environmental performance of development.

101 DEVELOPMENT STANDARDS

101.1 The bulk of structures in the P zones shall be controlled through the combined requirements of the Development Standards Tables, the zone-specific Development Standards, and the General Development Standards of this subtitle.

101.2 The development standards are intended to:

- (a) Control the bulk or volume of structures, including height, floor-area ratio, and lot occupancy;
- (b) Control the location of building bulk in relation to adjacent lots and streets,

by regulating rear setbacks, side setbacks, and the relationship of buildings to street lot lines;

- (c) Regulate the mix of uses;
- (d) Manage transitions between P-zoned areas and surrounding neighborhoods; and
- (e) Ensure the environmental performance of development.

101.3 The Board of Zoning Adjustment may grant special exception relief from the development standards' requirements. Additional use or zone specific special exception criteria, if applicable, shall be considered in determining any relief request.

102 USE PERMISSIONS

102.1 Use categories are identified in use tables provided for each zone, in the zone chapter.

102.2 Uses in the M zones are either permitted by right without conditions (P), by right subject to conditions (C), or by special exception (S).

102.3 Use categories are permitted as either principal or accessory uses subject to any conditions

CHAPTER 2 DEVELOPMENT STANDARDS

200 PURPOSE AND INTENT

- 200.1 The P-1 (CM-1, CM-1/LO) zone is intended to permit moderate density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive districts.
- 200.2 The P-2 (CM-2) zone is intended to permit medium density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive districts.
- 200.3 The P-3 (CM-3) zone is intended to permit high density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive districts.
- 200.4 The P-4 (M) zone is intended to permit high density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive districts and minimize non-industrial uses.
- 200.5 The P-5 (CM-1/CAP) zone is intended to:
- (a) Permit moderate density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive zones;
 - (b) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;
 - (c) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
 - (d) Provide particular controls adjacent to properties having a well-recognized general public interest; and
 - (e) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or district to be protected.
- 200.6 The P-6 and P-7 zones apply to the area that is immediately north and south of Fort Circle Park, also known as Fort Drive Park.

- 200.7 The P-6 and P-7 zones are intended to:
- (a) Encourage a scale of development and a mixture of building and land uses consistent with the Comprehensive Plan that enables existing industries that provide jobs, tax revenues, and critical support functions for development of the District of Columbia to remain in the District; and
 - (b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards provided in these zones.
- 200.8 The P-6 zone (CM-1/FT) is intended to permit moderate density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive districts.
- 200.9 The P-7 (M/FT) zone is intended to:
- (a) Permit high density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive districts and minimize non-industrial uses; and
 - (b) Ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.

201 DEVELOPMENT STANDARDS

- 201.1 The Development Standards Table for the P zones is as follows:

Zone	Max. Height	Max. Stories	Max. Occupancy	Max. FAR Restricted Uses	Max. FAR Permitted
P-1 (CM-1, CM-1/LO)	50 ft.	n/a	n/a	2.0	3.5
P-2 (CM-2)	60 ft.	n/a	n/a	3.0	4.5
P-3 (CM-3)	90 ft.	n/a	n/a	4.0	6.0
P-4 (M)	90 ft.	n/a	n/a	1.0	6.0
P-5 (CM-1/CAP)	40 ft.	3	n/a	2.0	3.5
P-6 (CM-1/FT)	40 ft.	n/a	n/a	2.0	3.5
P-7 (M/FT)	65 ft.	n/a	n/a	1.0	6.0

202 HEIGHT

- 202.1 TO BE DELETED

- 202.2 A spire, tower, dome, pinnacle, or minaret serving as an architectural embellishment may be erected to a height in excess of that authorized in the zone in which it is located.

- 202.3 A chimney or smokestack may be erected to a height in excess of that authorized in the zone in which it is located when required by other municipal law or regulation.
- 202.4 An antenna may be erected to a height in excess of that authorized in the zone in which it is located as permitted by C, Chapter 25.
- 202.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.
- 202.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.
- 202.7 In the P-6 or P-7 zone, any building proposed to exceed sixty-five feet (65 ft.) in height shall be approved by the Board of Zoning Adjustment pursuant to the special exception criteria of Y Chapter 8. The applicant for a special exception under this subsection shall demonstrate that the building will not degrade or obstruct views and vistas from the historic fortification of Fort Totten.

203 TRANSITION HEIGHT REQUIREMENTS

- 203.1 Development on a lot that directly abuts a residentially zoned property with a lower height limit, shall not project above a plane drawn at a one-to-one (1:1) angle subject to the following:
- (a) The plane shall be measured ten feet (10 ft.) above the by right height of the abutting residential property line; and
 - (b) The measuring point shall be established at the middle of the abutting residential property line.

204 ROOF STRUCTURES

204.1 TO BE DELETED

- 204.2 Housing for mechanical equipment, stairway and elevator penthouses, may be erected to a height in excess of the maximum height authorized in a P zone subject to conditions specified in this section.
- 204.3 The maximum permitted height for housing for mechanical equipment, stairway and elevator penthouses is set forth in the following table:

Zone	Max. Permitted Height For Mechanical Equipment, Stairway And Elevator Penthouses
------	--

P-1 P-2 P-3 P-4 P-6	Eighteen feet-six inches (18 ft. 6 in.)
P-5	Ten feet (10 ft.)

204.4 Housing for mechanical equipment or a stairway or elevator penthouse shall be set back as follows:

- (a) A distance equal to its height from the front building façade;
- (b) A distance equal to half of its height from any side building wall that is not adjoining another building wall; and
- (c) No setback is required from any side building wall that is adjoining another building wall.
- (d) All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.
- (e) When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.
- (f) Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in J § 203.4 (g).
- (g) When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in J §§ 203.4 (d) and 203.4 (f) except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.
- (h) Roof structures shall not exceed one-third (1/3) of the total roof area where there is a limitation on the number of stories.

204.5 Mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.

204.6 For purposes of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure.

204.7 For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, and plumbing vent stacks shall not be considered as roof structures.

- 204.8 For purposes of applying roof structure setbacks, walls of buildings that border any courtyard other than closed courtyards shall be deemed to be exterior walls.
- 204.9 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.
- 204.10 Relief to the requirements of this section may be granted by special exception subject to Y, Chapter 8.

205 FLOOR AREA RATIO

- 205.1 The following use categories may achieve the maximum FAR as indicated in the development standards table
- (a) Basic Utilities;
 - (b) Large Scale Government;
 - (c) Production, Distribution & Repair; and
 - (d) Waste-related Services.
- 205.2 All other permitted, conditional, or special exception use categories are subject to the maximum FAR indicated in the Restricted Uses row in the development standards table.

206 GREEN AREA RATIO (GAR)

- 206.1 A lot in any P zone shall have a Green Area Ratio of at least 0.3, except that:
- (a) A lot with a principal building that is one story in height shall have a Green Area Ratio of at least 0.1; and
 - (b) A lot with a principal building that is two stories in height shall have a Green Area Ratio of at least 0.2.
- 206.2 For lots that have more than one building, the GAR requirement shall be that applicable to the tallest building; unless the tallest building has a footprint less than four hundred and fifty square feet (450 sq. ft.). In such case the building with the largest footprint shall constitute the principal building for the purposes of determining the GAR requirement.

207 REAR SETBACK

- 207.1 A rear setback shall be provided for each structure located in a P zone.
- 207.2 The minimum depth of the rear setback shall be two and one-half inches per foot (2.5 in./ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not

less than twelve feet (12 ft.).

207.3 Where the rear lot line of a lot abuts or is separated only by an alley from an residential zone, a rear setback shall be provided from the ground up subject to the transitional setback requirements of § 209.

207.4 Except as required in § 207.3, the rear setback need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure.

207.5 For that portion of the structure above the horizontal plane, the depth of rear setback may be measured as follows:

- (a) When the lot abuts an alley, from the center line of the alley to the rear wall of the portion immediately above the plane; or
- (b) When the lot does not abut an alley, from the rear lot line to the rear wall of the portion immediately above the plane.

207.6 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear setback may be measured from the center line of the street abutting the lot at the rear of the structure.

208 SIDE SETBACKS

208.1 No side setback shall be required on a lot in a P zone, except where a side lot line of the lot abuts a residential zone. Where a side lot line abuts a residential zone, the transitional setback requirements shall be provided pursuant to J §209.

209 TRANSITION SETBACK REGULATIONS

209.1 Transition setback regulations apply along any and all lot lines ~~to~~ of a lot in a P zone when the lot or portion of the lot directly abuts a residential zone or an alley that abuts a residential zone, unless the P zoned lot is only used for residential purposes.

209.2 The following required setbacks shall be provided on a lot in a P zone subject to the following conditions:

- (a) A twenty five feet (25 ft.) setback shall be provided from each lot line that is directly abutting a lot in a residential zone;

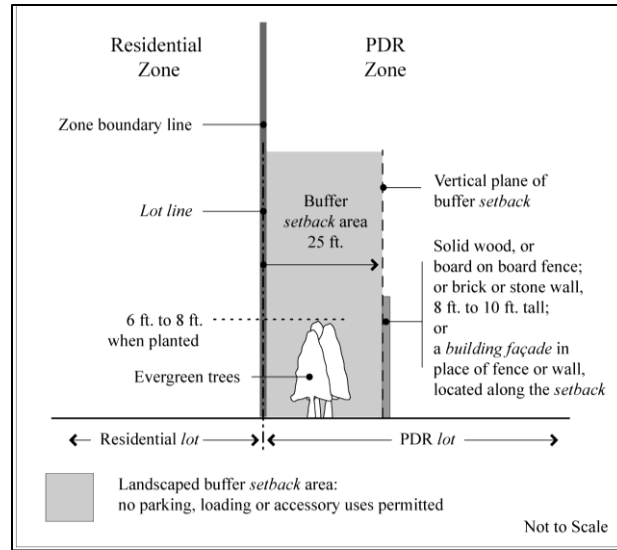


Illustration of 209.2 (a)

- (b) A fifteen feet (15 ft.) setback shall be provided from each lot line that is abutting an alley that serves as the zone boundary line between a P zone and a residential zone;

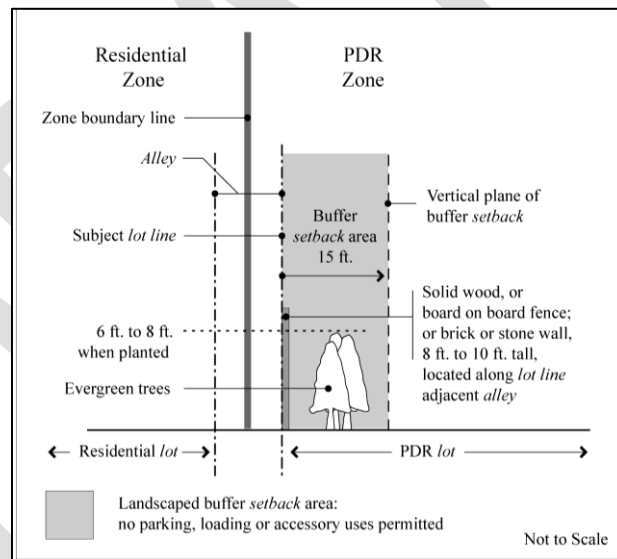
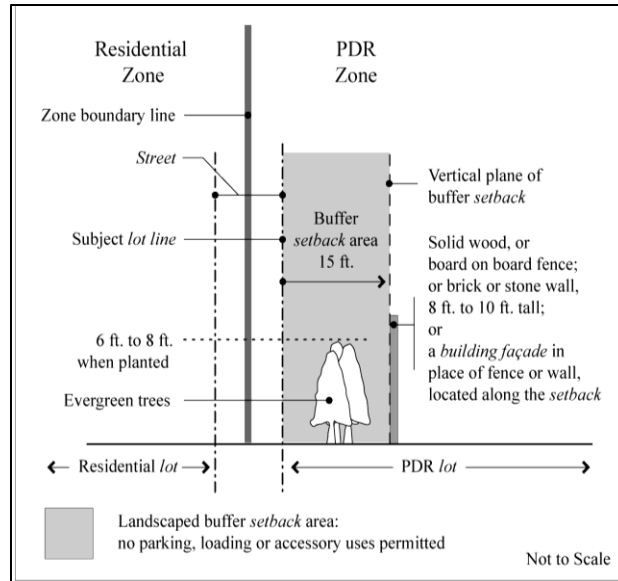


Illustration of 209.2 (b)

- (c) A fifteen feet (15 ft.) setback shall be provided from each lot line, except a front lot line, that is abutting a street less than 70 feet in right-of-way width that serves as the zone boundary line that serves as the zone boundary line between a P zone and a residential zone.



- 209.3 Any setback required by this section shall be located on the P zoned lot and shall be extend as a vertical plane, parallel to the P zoned lot line;
- 209.4 Any setback area required by this section shall not be used for parking, loading, or accessory uses
- 209.5 Any setback area required by this section shall be landscaped with evergreen trees, subject to the following conditions:
- (a) The trees shall be maintained in a healthy growing condition;
 - (b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and
 - (c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.
- 209.6 A form of screening shall be erected between the residential and PDR lots, and shall be located along the required setback identified in paragraph (a) above. The screening shall be either:
- (1) A solid wood or board-on-board fence, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height; or
 - (2) A brick or stone wall, no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height.

COURTYARDS

- 210.1 A courtyard is not required, but if provided, it shall have the following minimum dimensions:

Open Courtyard Width:	Closed Courtyard Width	Closed Courtyard Area:
Two and one-half inches per foot (2 ½ in./ft.) of height of courtyard; Six feet (6 ft.) minimum.	Two and one-half inches per foot (2 ½ in./ft.) of height of courtyard; Twelve feet (12 ft.) min.	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq. ft.) minimum.

CHAPTER 3 USE CATEGORIES

300 USE PERMISSIONS

- 300.1 Use categories permitted in the P zones are either permitted by right without conditions, by right subject to conditions, or by special exception subject to approval by the Board of Zoning Adjustment.
- 300.2 Use categories are permitted as either principal or accessory uses. . Accessory uses customarily incidental to a use permitted by right shall be permitted, unless otherwise restricted in this Chapter, and subject to any conditions associated with the use as a principal use.
- 300.3 Regardless of the permissions and in addition to any restrictions or conditions of this chapter, the limitations of J § 304.2 shall apply to properties within one hundred feet (100 ft.) of a residential zone.

301 USE CATEGORIES PERMITTED BY RIGHT

- 301.1 The following use categories shall be permitted by right in the Production, Distribution and Repair zones:

USE CATEGORIES	P-1, P-2, P-5, P-6 (CM1, CM2)	P-3 (CM3)	P-4, P-7 (M)
Agriculture	P	P	P
Arts Design and Creation	P	P	P
Chancery	P	P	P
Community-based Institutional Facility	P	P	P
Daytime Care	P	P	P
Education (College/University)	P	P	P
Education (Private)	P	P	P
Education (Public)	P	P	P
Government, Large Scale	P	P	P
Government, Local	P	P	P
Health Care	P	P	P
Institutional (Religious and Non-religious)	P	P	P
Lodging	P	P	P
Marine	P	P	P
Motor Vehicle-related	P	P	P
Office	P	P	P
Parking	P	P	P
Parks and Recreation	P	P	P
Retail	P	P	P
Service (Financial)	P	P	P
Transportation Infrastructure	P	P	P

USE CATEGORIES PERMITTED BY RIGHT SUBJECT TO CONDITIONS

302.1 The following use categories shall be permitted in the P zones only when in compliance with the required **CONDITIONS**:

USE CATEGORIES	P-1, P-2, P-5, P-6 (CM1, CM2)	P-3 (CM3)	P-4, P-7 (M)
Animal Sales, Care, and Boarding	C	C	C
Basic Utilities	C	C	C
Eating and Drinking Establishments	C	C	C
Emergency Shelter	C	N	N
Firearm Sales	C	C	C
Production, Distribution, and Repair	C	C	C
Residential	C	C	C
Service (General)	C	C	C
Waste-related Services	C	C	C

302.2 Animal Sales, Care and Boarding uses are permitted by right upon compliance with the following conditions:

- (a) The use consists solely of an animal shelter;
- (b) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, concrete and masonry, and acoustical landscaping;
- (c) The property shall not abut a residential zone or property;
- (d) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
 - (1) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 7:00 a.m.;
 - (2) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of animals and the absorption of noise. Fencing and/or walls shall be a minimum of eight feet (8 ft.) in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics;
 - (3) No more than three (3) animals shall be permitted within any exterior yard or outdoor run at a time; and
 - (4) No part of an outdoor run or exercise yard shall be located within two hundred feet (200 ft.) of an existing residential use or residence zone;

- (e) All animal waste shall be kept in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;
- (f) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system; and
- (g) Animal Sales, Care, and Boarding uses not meeting the above conditions may be permitted by special exception pursuant to J § 303.2.

302.3 Basic Utilities uses are permitted by right subject to the following:

- (a) If the use is an electronic equipment facility that exceeds 25% of the gross floor area of a building located on site:
 - (1) The building shall not be located within 800 feet of an established or planned Metrorail station; and
 - (2) The building shall not be located within 1,250 feet of the edge of a river as measured at mean high tide.

302.4 Eating and Drinking Establishments are permitted by right provided no part of the establishment contains a live performance, night club or dance venue.

302.5 Emergency Shelter use located at 2210 Adams Place NW (Square 4259, Parcel 54/81) with an existing certificate of occupancy as of January 1 2013 shall be permitted by right.

302.6 Firearm Sales uses are permitted by right provided no part of the establishment shall be located within three hundred feet (300 ft.) of the following:

- (a) A Residential, Residential Flat or Apartment zone,
- (b) A Parks and Recreation use,
- (c) Places of worship;
- (d) Public or private schools, and
- (e) Public libraries.

302.7 Production, Distribution, and Repair uses are permitted as a by right use except for the following:

- (a) The following uses or activities are prohibited:
 - (1) Acetylene gas manufacture;

- (2) Bone products manufacture;
- (3) Calcium carbide manufacture;
- (4) Curing, tanning, or storage of hides;
- (5) Excavation or quarrying of rock for commercial purpose;
- (6) Fertilizer manufacture;
- (7) Manufacture or storage of ammunition, explosives, firearms, or military equipment (this condition does not apply to the storage of ammunition or firearms incidental to a use in the Firearm Sales category);
- (8) Manufacturing, processing, mixing, storing, or distributing concrete or asphalt, or the materials that are used to make concrete or asphalt;
- (9) Refining or manufacture of bituminous products other than asphalt;
- (10) Rubber products manufacture or treatment;
- (11) Slaughter or rendering of animals; or
- (12) Steel furnace, blast furnace, bloom furnace, coke oven, or rolling mill.

302.8 Residential uses are permitted by right subject to the following list of conditions:

- (a) No new Residential use may be established, except a single dwelling unit on a lot that either:
 - (1) Houses a person employed on the premises; or
 - (2) Is integrated with and accessory to an artist studio, provided that occupancy of the apartment shall be limited to the artist using the studio portion of the premises and the household of the artist.
- (b) A Residential dwelling existing on May 12, 1958, shall be permitted by right; provided, any addition to or enlargement of the dwelling shall not result in a lot occupancy of greater than 60 percent based upon a lot size not greater than that existing on May 12, 1958.

302.9 Service uses are permitted by right, provided that if the use offers massage services, the use shall either:

- (a) Be a licensed massage establishment under the provisions of [DC ST § 47-2811]; or

- (b) Only offer massage services provided by massage therapists with a professional license issued pursuant to Title 17 DCMR.

302.10 Waste-related Services uses are permitted by right if the use only involves the incineration of waste (including for conversion to energy).

303 USE CATEGORIES PERMITTED BY SPECIAL EXCEPTION

303.1 The following use categories shall be permitted in the P zones by special exception if approved by the Board of Zoning Adjustment under Y Chapter 8, subject to the provisions of this section:

USE CATEGORIES	P-1, P-2, P-5, P-6 (CM1, CM2)	P-3 (CM3)	P-4, P-7 (M)
Animal Sales, Care, and Boarding	S	S	S
Basic Utilities	S	S	S
Emergency Shelter	S	N	N
Entertainment, Assembly, and Performing Arts	S	S	S
Production, Distribution, and Repair	S	S	S
Service (General)	S	S	S
Waste-related Services	S	S	S
Uses not meeting Conditions of J 302	S	S	S

303.2 Animal Sales, Care and Boarding uses not meeting the conditions of J § 302 subject to the following conditions:

- (a) Animal uses, including animal boarding, pet grooming establishments, pet shops, veterinary boarding hospitals and animal shelters shall be subject to the following:
- (1) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor or waste;
 - (2) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (3) The property shall not abut a residential use or residential zone;
 - (4) External yards or other exterior facilities for the keeping of animals shall not be permitted; and

- (5) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.
- (b) Any use that trims or cleans domestic pets for a fee shall also be permitted to engage in the sale of pet supplies as an accessory use.
- (c) Any use that boards animals as an independent line of business in association with a veterinary hospital for reasons other than convalescence shall be subject to the following additional criteria:
 - (1) The use may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1), except domesticated dogs;
 - (2) No more than fifty percent (50%) of the gross floor area of the use may be devoted to the boarding of animals; and
 - (3) Pet grooming, the sale of pet supplies and incidental boarding as necessary for convalescence are permitted as accessory uses. Any business engaged in the sale of dogs, cats, birds, tropical fish and/or other domesticated pets, as permitted by the D.C. Office Code § 8-1808 (h)(1), including related supplied and equipment.

303.3

Basic Utilities uses not meeting the conditions of J § 302 subject to the following conditions:

- (a) If the use is an electronic equipment facility, the BZA shall consider:
 - (1) How the facility, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, will not inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian movement; and
 - (2) The impact of the facility on other relevant factors, including the following:
 - (A) Absence of retail uses or of a design capable of accommodating retail uses in the future;
 - (B) Presence of security or other elements in the design that could impair street life and pedestrian flow;
 - (C) Disruption of or elimination of existing officially proposed pedestrian or vehicular routes; and
 - (D) Inability of the EEF to be adapted in the future for permitted uses.

- (3) The economic development potential of the area in which the facility is proposed to be established, giving greater weight to these factors if the facility is to be located in proximity to an existing or proposed Metrorail station or along a pedestrian corridor.
- (4) The economic benefits the proposed facility will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development; and
- (5) The design appearance, landscaping, parking and other such requirements it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life.

303.4 Emergency Shelters not meeting the conditions of J § 302 subject to the following conditions:

- (a) There shall be a maximum limit of three hundred (300) persons, not including resident supervisors or staff and their families, provided that for facilities over one hundred and fifty (150) persons the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District.
- (b) There shall be no other property containing an Emergency Shelter use for five (5) or more persons in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;
- (c) The use shall not be located within one thousand feet (1,000 ft.) of a Waste-Related Services use; and
- (d) The use shall only not be permitted in the P-3, P-4 or P-7 zones.

303.5 Eating and Drinking Establishments with a live performance, night club or dance venue subject to the following conditions:

- (a) The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;
- (b) The property shall not abut a residential use or residential zone;
- (c) There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property
- (d) External performances or external amplification shall not be permitted;

- (e) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:
 - (1) Soundproofing;
 - (2) Limitations on the hours of operation; and
 - (3) Expiration on the duration of the special exception approval.

303.6 Entertainment, Assembly, and Performing Arts uses subject to the following conditions:

- (a) The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;
- (b) The property shall not abut a residential use or residential zone;
- (c) There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property
- (d) External performances or external amplification shall not be permitted;
- (e) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:
 - (1) Soundproofing;
 - (2) Limitations on the hours of operation; and
 - (3) Expiration on the duration of the special exception approval.

303.7 Production, Distribution, and Repair uses that involve the excavation of clay, sand, or gravel for commercial purposes, or the manufacturing, processing, mixing, storing, or distributing of concrete or asphalt, or the materials that are used to make concrete or asphalt, subject to the following conditions:

- (a) No portion of the facility, including the land used by such facility, shall be located within two hundred feet (200 ft.) of a Residential, Parks and Recreation, Retail, Office, Institutional, or Local Government use;
- (b) There shall be no truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are a Residential use;

- (c) No truck dumping or picking up excavation, concrete or asphalt, or related materials shall park, stand, or queue for the facility along any public right-of-way and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;
- (d) Any facility located within five hundred feet (500 ft.) of a residential zone shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks;
- (e) The facility shall be enclosed on all sides by an opaque screen, fence, or wall at least ten feet (10 ft.) in height. The use of barbed wire or razor wire that is visible from residential zones or public space is prohibited;
- (f) The side of the facility facing public space, Residential, Parks and Recreation, Retail, Office, Institutional, or Local Government uses shall contain a landscaped area of evergreen trees measuring a minimum of eight feet (8 ft.) in height which shall be maintained in a healthy growing condition.
- (g) The application shall contain:
 - (1) A site plan showing the layout of the proposed facility, including fences and screens, street access, parking, and queuing areas;
 - (2) A landscape plan showing the planting locations and soil preparation techniques;
 - (3) A lighting plan showing the proposed lighting locations, illumination spread, and noting the proposed height and wattage of the lighting fixtures;
 - (4) A traffic study which indicates truck routes to and from the facility on streets abutting residential neighborhoods, with the objective of minimizing potential adverse impacts on adjacent neighborhoods; and
 - (5) A description of the facility's methods and specifications for the control of odor, dust, smoke and other air pollutants, and noise; and
- (h) The Office of Zoning shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Public Works, Transportation, and Health, the Department of Environment, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

303.8 Service uses not meeting the conditions of J § 302, or whose principal use is the administration of massages, subject to the following conditions:

- (a) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and
- (b) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:
 - (1) Limitations on the hours of operation; and
 - (2) Expiration on the duration of the special exception approval.

303.9 Waste-related Services uses not permitted under J § 302, but not including hazardous waste, subject to the following conditions:

- (a) Regardless of use the facility shall comply with the following:
 - (1) Vehicular access shall be provide from a paved street with a road base capable of withstanding anticipated load limits;
 - (2) Truck access or queuing to the site shall not be provided adjacent to any residential zone;
 - (3) Truck access, parking, standing or queuing to the facility shall not be provided from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are residential uses;
 - (4) Parking space shall be provided on-site to for each commercial vehicle operated by the facility;
 - (5) The facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of- way.
 - (6) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand;
- (b) All uses other than a solid waste handling facility:
 - (1) No portion of the facility, including any structure, loading docks and truck bays, storage, transfer equipment, truck parking, or other similar processing equipment and operations, shall be located within two hundred feet (200 ft.) of an existing residential use or residential zone;

- (2) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high;
- (3) Any side of the facility facing a public right-of-way or residential zone shall be landscaped;
- (4) The site shall be maintained free of litter, trash, debris, and any other non-recyclable materials;
- (5) All storage of waste or recycled materials shall:
 - (A) Be contained in sturdy containers or enclosures that are fully covered, secured, and maintained in good condition and approved by the Fire and Emergency Medical Services Department; and
 - (B) Not be located outside the facility structures so that it is visible above the height of a required fence or wall; and
- (6) If the facility is located within five hundred feet (500 ft.) of a residential zone:
 - (A) It shall not be in operation between 7:00 p.m. and 7:00 a.m. or any time on Sunday. Hours of operation shall include the arrival and departure of trucks and delivery and removal of materials and equipment; and
 - (B) The facility shall be administered by on-site personnel during the hours the facility is open.
- (c) A solid waste handling facility:
 - (1) All solid waste handling activities, including depositing, processing, separation and loading shall be within a fully enclosed building to minimize the adverse impacts due to noise, traffic, parking, odors, rodents and other disease vectors, dust, litter, fire hazards, decomposition gases, wastewater, vehicle and other pollution, and other hazards or objectionable conditions;
 - (2) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present;
 - (3) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation shall be located within three hundred feet (300 ft.) of a property in a residential zone or located

within fifty feet (50 ft.) of any adjacent property used as a Parks and Recreation, Retail, Office, Institutional, or Local Government use;

- (4) The facility shall be designed to have access to a railway siding or spur to enable the transportation by rail of solid waste out of the District of Columbia unless the Board finds that the applicant has demonstrated by substantial evidence that the use of rail is not practically, economically, or physically feasible.
 - (5) In determining whether to grant a special exception, the Board shall not take into consideration whether the District of Columbia government issued the applicant an interim operating permit for the facility. The granting of a special exception to a facility does not authorize that facility to operate, unless the facility has been granted all other forms of permission required for solid waste handling facilities, including, but not limited to, a valid interim operating permit or solid waste facility permit. A solid waste handling facility that has been granted a special exception remains obligated to abide by all laws applicable to solid waste handling facilities and is subject to all claims or enforcement actions that may arise from violations of the laws.
 - (6) Any otherwise valid interim permit issued by the District government to the operator of a solid waste handling facility shall be given effect by the Board only during the pendency of the Board's consideration of an application. In the event the Board denies the application, the continued operation of the facility shall be unlawful. In the event the Board grants an application, it may provide the applicant a reasonable time in which to construct the facility as approved by the Board.
- (d) The applicant shall provide credible evidence to the Board to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:
- (1) An indication of the site and description of land uses within one-quarter (1/4) of a mile of the site;
 - (2) A site plan showing the layout of the proposed facility, including main buildings, fences and screens, access to rail if available, street access, parking and queuing areas, and a functional diagram indicating the proposed use of the site;
 - (3) An operating plan indicating types of waste to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;

- (4) A plan for preventing and controlling offensive noises, odors, and rodents and other disease vectors;
- (5) A traffic study that indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways that do not abut residential neighborhoods along the way; and
- (6) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (formerly codified at D.C. Code §§ 6-3451 to 3463 (1999 Supp.))).

303.10 Any other use permitted by right subject to conditions that does not meet the conditions of J 302.

304 USES NOT IDENTIFIED IN P ZONES

304.1 Any use, use group or use category not included in a use table or otherwise permitted by conditions, special exception or as an accessory use in this subtitle shall be deemed to be not permitted unless determined by the Zoning Administrator to be compatible with like permitted uses or consistent with the general use impacts of permitted uses.

304.2 Regardless of the permissions, and in addition to any restrictions or conditions of this chapter, the following uses shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone:

- (a) Any establishment that has as a principal use the administration of massages
- (b) Car wash principal use;
- (c) Carting, express, moving, or hauling terminal or yard, except a cooperative central delivery or pick-up system for goods or merchandise solely to serve businesses in the area;
- (d) Chemical manufacturing, storage, or distribution;
- (e) Drive-through establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles while in the vehicles);
- (f) Enameling, plating, or painting (except an artist's studio), as a principal use;
- (g) Firearms retail sales establishments as a principal or an accessory use;

- (h) Gasoline service station;
- (i) Material salvage;
- (j) Outdoor advertising or billboard as a principal use;
- (k) Outdoor material storage processing, fabricating, or repair, whether a principal or accessory use;
- (l) Packing or crating operations as a principal use;
- (m) Parking lot;
- (n) Sexually-oriented business establishment;
- (o) Smelting or rendering; and
- (p) Incinerator.

CHAPTER 4 ALLEY LOT REGULATIONS

400 GENERAL PROVISIONS

- 400.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.
- 400.2 An alley lot that is only recorded in the records of the D.C. Office of Tax and Revenue as an assessment and taxation lot (tax lot) may be recorded by the Surveyor, District of Columbia as a record lot if the tax lot was created on or before May 12, 1958.
- 400.3 New alley lots may be created as provided in C § 403.

401 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 401.1 The bulk of buildings on alley lots in a P zone shall be controlled through the specified development standards of this chapter.
- 401.2 The following development standards shall apply to buildings on alley lots in P zones:

Lot Occupancy Max.	GAR	Rear Setback	Side Setback	Alley Centerline
100%	As required by applicable zone	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

- 401.3 The maximum height of a building on an alley lot shall be determined as follows:
- (a) If the alley lot is located in a square that contains Residential House (R) or Residential Flats (RF) zoned properties, the height shall be limited to twenty feet (20 ft.).
 - (b) If the alley lot is located in a Square that does not contain Residential House (R) or Residential Flats (RF) zoned properties, the height shall be limited to thirty feet (30 ft.).

402 ALLEY LOT USES

- 402.1 Uses that are permitted in the P zones are allowed on alley lots, subject to the satisfaction of all related conditions, and as further limited in J § 402.2.
- 402.2 No new residential uses are permitted.

CHAPTER 5 SPECIAL EXCEPTION

500 SPECIAL EXCEPTIONS – GENERAL PROVISIONS

- 500.1 The Board of Zoning Adjustment may grant special exceptions relating to the development standards provided in this subtitle, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps and subject in each case to the following special conditions:
- (a) The Board may proscribe or require specific operating hours for the facility and the use of any street or highway for trucks entering or leaving the facility to lessen traffic congestion and otherwise assure the quiet enjoyment of residential uses adjacent to a facility.
 - (b) Nothing in this subtitle shall preclude the Board from imposing additional or more strict conditions pertaining to design, screening, buffering, lighting, soundproofing, signs, or any matter necessary to protect adjacent property, and special consideration will be given to protecting residential property from excessive noise and traffic.

501 SPECIAL EXCEPTIONS – P-5

- 501.1 In the P-5 zone, any special exception application shall be subject to the following additional conditions in addition to any conditions relative to the specific special exception.
- (a) Compatible with the present and proposed development of the neighborhood;
 - (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
 - (c) In accordance with the plan promulgated under the Act.
- 501.2 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.
- 501.3 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

501.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

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